

abuser for the crime—murder—he committed on Zachariah. Why? Because Zachariah had no legal value or standing—and could be killed with impunity.

Tracy has written:

Congress should approve the Unborn Victims of Violence Act. Opponents of the bill have put forth a counter proposal, known as the Lofgren Amendment. I have read it, and it is offensive to me, because it says that there is only one victim in such a crime—the woman who is pregnant.

Please hear me on this: On the night of February 8, 1992, there were two victims. I was nearly killed—but I survived. Little Zachariah died.

Any lawmaker who is thinking of voting for the Lofgren “one-victim” amendment should first look at the picture of me holding my dead son at his funeral.

Then I would say to that representative, “If you really think that nobody died that night, then vote for the “one-victim” amendment. But please remember Zachariah’s name and face when you decide.

Anybody who thinks there is no dead baby in this picture should vote for the “one-victim” amendment. But anyone who sees a grieving mother holding her dead son should vote for the Unborn Victims of Violence Act.

Mr. Speaker, under H.R. 503, if an unborn child is injured or killed during the commission of an already-defined federal crime of violence, then the assailant may be charged with a second offense on behalf of the second victim—the unborn baby.

Of significance, 24 states have enacted laws recognizing unborn children as victims of violent crime. In upholding the Minnesota statute, the Minnesota Supreme Court said “Roe v. Wade does not protect, much less confer on an assailant, a third party unilateral right to destroy the fetus.”

The Lofgren amendment, stripped of its surface appeal trappings and enhanced penalty has one pro-abortion strategic objective—Denial. Denial that an unborn child has inherent dignity. Denial that an unborn child has worth. Denial that an unborn child has innate value. How incredibly sad—and dangerous.

The Lofgren amendment must be rejected.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just note that the gentleman from New Jersey (Mr. SMITH) asked, is there unfettered access for a mother to maim her child at any time in the pregnancy? If one reads Roe, clearly post-viability, the ability to secure abortions is severely limited only to those cases where a woman’s health is severely damaged. I think that that needs to be made clear.

Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman from California (Ms. LOFGREN) for yielding me this time, and for her great leadership on this issue.

Mr. Speaker, I want to commend the ranking member of the Committee on the Judiciary as well for facilitating the Lofgren amendment coming to the floor.

It is masterful, it really is, because it answers the concerns that are posed by the proposers of the original bill to expand the penalty for those who commit

violence against pregnant women, and it does so in a way that achieves that goal but is constitutional.

Mr. Speaker, we can all agree that acts of violence against pregnant women are reprehensible and should be punished. We all agree that acts of violence that harm a fetus are obviously unacceptable and repulsive to us. We can all agree that we must prevent violence against women whether pregnant or not.

The gentleman from New Jersey (Mr. SMITH), who just spoke, whom I hold in very high esteem, asked the question how could otherwise intelligent, caring people come to the floor and be opposed to this legislation that is being opposed by our colleagues on the other side? He said, could it be, he had a series of could-it-be’s, that we could ignore violence against a pregnant woman?

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But we are not ignoring it. The Lofgren amendment addresses it very directly without doing violence to the issue.

I urge my colleagues to vote for the substitute proposed by my colleague. The substitute would create a separate Federal criminal offense for harm to pregnant women, but would not confer new legal status on the fetus.

So I respond to my colleague, could it be that, as a woman, I know a little bit more about this subject than maybe he does? Could it be that as a mother of five, a grandmother of four, and hopefully more grandchildren to come, that I understand how reprehensible violence against a pregnant woman is?

But if that is the issue, the gentlewoman from California (Ms. LOFGREN) has responded to it. The bill on the floor is unconstitutional. It is a move to undo, which it cannot do, unless it is a constitutional amendment, but it is an attempt to undo Roe v. Wade.

In 1973, we all know the Supreme Court in Roe v. Wade stated that the unborn have never been recognized in the laws as persons in the whole sense. The Court specifically rejected the theory that grants personage to the fetus because it may override the rights of pregnant women that are at stake.

I urge my colleagues to accept the solution that is here, that addresses the problem in a constitutional way, and does not do violence to a woman’s rights.

Mr. CHABOT. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Pennsylvania, (Ms. HART), a member of the Committee on the Judiciary.

Ms. HART. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of the underlying bill and in opposition to the Lofgren amendment. It does not, as is claimed by its supporters, accomplish the same goal that those who sponsored the original bill, the underlying bill, have. In fact, it does complicate and somewhat confuse the issue.

Claims have been made that are quite disingenuous regarding the underlying

bill and also regarding the effectiveness of the proposed substitute. Firstly, the underlying bill is very clear about the violent act that must be committed against the pregnant woman. Although those supporters of the substitute claim that the pregnant woman is not recognized, she clearly is. Federal law recognizes violence against everyone as a crime, and enumerates a number of different crimes which would be the basis for the actual use of this proposal, H.R. 503.

The amendment does not refer to these particular laws. It in fact creates a separate offense which is unclear as to its effectiveness by prosecutors. The other legislation that has been on the books has been prosecuted many times. Those who were not even the intended victim of a crime would still be, those women, would still be victims, as a result of transferred intent. It is unclear in the substitute that that principle would be able to be used.

Mr. Speaker, I would implore my colleagues to quit hiding from the real issue. The real issue here is actual violence against women and children. The real issue is a way for us to actually prosecute a more severe crime when the woman is lucky enough to survive a dreadful assault, but the child is not.

Our goal here is to recognize reality. What our responsibility is here as Representatives is to recognize reality and to protect the citizens of the United States, the women who are victims and the children who are victims.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before recognizing the gentlewoman from the District of Columbia, I would like to note that the criminal offenses in H.R. 503 are exactly the same as those in the substitute, except that we do require prosecution and then a separate prosecution for the miscarriage.

Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I am outraged at the use of old-fashioned abortion politics to get at a serious problem. Let me indicate just how serious the problem is. I participated recently in a press conference called by the American College of Nurses and Midwives here in the District of Columbia, now published in an AMA Journal.

In the District of Columbia, autopsies had been performed on pregnant women. What was discovered was that there were 13 homicides of pregnant women that had not been reported along with maternal deaths. These 13 unreported deaths accounted for 38 percent of pregnancy-associated deaths.

Now, these women had several things in common. They tended to be very young, 15 to 19; they were unmarried; they were murdered early in their pregnancy. There was no category in the FBI or accepted among the States to report these deaths. I have written to